

United States District Court

FILED

DEC 07 2007

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Venue: SAN FRANCISCO

 FRANCISCO CERVANTES CASTELLANOS **CRIMINAL COMPLAINT**
 A/K/A: AURELIO AYON URVINA

CASE NUMBER: 3 07 7072

MEJ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 6, 2007 in San Francisco County, in the Northern District of California, defendant willfully and knowingly made a false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent of the Diplomatic Security Service and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 USC Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years of supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:

Wendy Thomas, SAUSA

 Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

 Warrant of Arrest Requested: ☒ Yes ☐ No

 Bail Amount: N/A

Signature of Complainant, Kaley Kitto

Sworn to before me and subscribed in my presence,

December 7, 2007

Date

 at San Francisco, California

City and State

Maria Elena-James

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT CHARGING
FRANCISCO CERVANTES CASTELLANOS,
A/K/A AURELIO AYON URVINA,
WITH VIOLATING 18 U.S.C. § 1542,
FALSE STATEMENT IN APPLICATION AND USE OF PASSPORT

I, Kaley Kitto, do swear and affirm as follows:

1. I am a Special Agent employed by the United States Department of State, Diplomatic Security Service ("DSS"). DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve warrants.

2. I have a bachelor's degree from The University of California at Davis and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since January 2005, and have received and receive on an ongoing basis, training in the laws, rules and regulations concerning passports, visas, and citizenship documents.

3. This affidavit establishes probable cause to arrest Francisco Cervantes Castellanos for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. It should be noted that 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Passports in General

4. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

5. Title 18 U.S.C. § 1542 states, in pertinent part, “Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this

title...or imprisoned not more than 10 years...or both.” Title 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

6. On November 6, 2007, a person purporting to be Aurelio Ayon Urvina, Jr. submitted an application for a United States Passport at a United States Post Office in San Francisco, CA, which is located in the Northern District of California. Along with the passport application, the person submitted a California Drivers License as proof of identity and a State of California Birth Certificate as proof of United States citizenship. During the processing of this application, it was identified as possibly being submitted by an imposter and was referred to DSS for criminal investigation.

7. On December 6, 2007, DSS SA Jeff Dubsick and I interviewed the person purporting to be Aurelio Ayon Urvina, Jr. at the United States Passport Office in San Francisco, California. This person identified a copy of passport application #059354621 in the name of Aurelio Ayon Urvina, Jr. as the application he had submitted in order to obtain a United States passport, and told us the following, in sum and substance: his true name is Francisco Cervantes Castellanos; he was born in Jalisco, Mexico, on August 25, 1979; about 3 years ago, he purchased a California Certificate of Birth and a Social Security card in the name of Aurelio Ayon Urvina, Jr. for \$10,000 in Los Angeles, California, which he later used to obtain a California Drivers License and apply for a United States Passport.

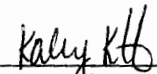
8. Fingerprints of this individual taken during the interview were sent to the Department of Homeland Security for examination. The fingerprint examiner established that the fingerprints belong to Francisco Cervantes Castellanos, born August 25, 1979 in Mexico.

Conclusion

9. Based on the facts and information detailed in the affidavit, I believe probable cause exists that Francisco Cervantes Castellanos made False Statements in Application for a Passport, in violation of 18 U.S.C. § 1542, when he falsely stated his name was Aurelio Ayon Urvina, Jr. on the above mentioned United States passport application.

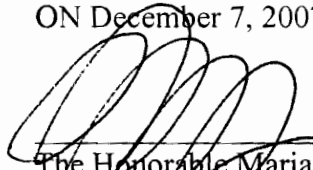
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I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.



Kaley Klitto
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON December 7, 2007



The Honorable Maria Elena James
U.S. Magistrate Judge
Northern District of California